

Natural Resource Review and Coordination Agreement Between IDNR and IDOT

This agreement between the Illinois Department of Transportation (IDOT) and the Illinois Department of Natural Resources (IDNR) is intended to set forth a framework for early coordination on natural resource issues and for follow-up coordination as necessary for compliance with statutory and regulatory requirements under the jurisdiction of IDNR. This agreement is subject to revision to meet future needs contingent upon concurrence with both the IDNR and IDOT.

General Principles of Coordination

The IDNR Transportation Program Manager and the IDOT Bureau of Design and Environment (BDE) will be the primary points of contact for coordination of IDOT project information beyond the pre-screening process. The IDNR Program Manager will be responsible for ensuring that appropriate offices within IDNR receive IDOT project information for review in response to identified resource involvements. The IDNR Transportation Program Manager will be responsible for notifying the IDOT of any additional information needed for IDNR to complete its review. The IDOT point-of-contact will be responsible for supplying IDNR with the information necessary to complete the review of a project, including the initial information for review of IDOT's pre-screening results, endangered and threatened species review, and more complete information for projects required to be submitted for a more thorough analysis.

All official comments, recommendations and responses made by either IDNR or IDOT shall be made in writing, except emergency situations which are defined in IDNR administrative rules (17 Ill. Admin. Code 1075). Verbal responses may be allowed for urgent situations, with a written response due within five days following the action taken.

The review process shall include an examination of the potential for impacts to natural resources in general, and to ensure compliance with the Interagency Wetland Policy Act of 1989, the Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act. Upon completion of the review, sign-off will be provided for each Act in order to confirm the IDOT's compliance with these state laws.

~~The review conducted is valid for a period of three years from the date of resource issue resolution for the project (i.e., the date upon which IDOT and IDNR conclude formal coordination necessary to address resources covered by this Agreement). If the project has not commenced (i.e., advertised for bid letting) in that time, it must be re-screened and resubmitted for IDNR review of the screening results. It is incumbent upon the IDOT to submit the original Agency Action Report to IDNR when a review has expired in order to have the project reexamined.~~

Review Process

All steps in the review process are illustrated in the attached flow chart, "IDNR-IDOT Project Coordination" (Appendix I).

E&T Pre-Screening

For projects affecting only agricultural cropland or urban properties developed for residential, commercial, or industrial purposes, the IDOT need not accomplish pre-screening. ~~submit an Agency Action Report (AAR) to the IDNR. For all other projects, the IDOT-BDE shall use the Natural Resource Review Tool (NRRT) to pre-screen the actions submit to the IDNR an AAR for pre-screening against the Natural Heritage Database in accordance with the following terms. The AAR shall indicate the location of the proposed project, and shall include a map delineating the project boundaries. Within 30 days of receipt of this report, IDNR will provide a response:~~

1. For purposes of screening projects against the Natural Heritage Database, BDE will use the most recent information in the data layers for endangered and threatened species locations, Illinois Natural Areas Inventory (INAI) sites, and Illinois Nature Preserves. ~~If no species or INAI sites are known to occur and fieldwork is not recommended, the AAR is signed, dated, and returned to IDOT, with consultation having been completed. If it is subsequently determined that the project involves other resource issues covered by this agreement, the IDNR will re-screen the project against the Natural Heritage Database prior to affirming resource issue resolution. The sign-off is valid for three years from the initial IDNR signature date on the AAR or from the date of resource issue resolution, if other resources are involved.~~
2. BDE will examine each of the three aforementioned data layers for the project "footprint", the area that would be occupied by the physical components of the project when constructed, and an area at least one mile laterally beyond the project footprint. (When a project may affect areas beyond the one mile distance, such as in downstream aquatic resources, BDE will check the data layers for an area sufficient to address the extent of the anticipated impacts.) This examination will evaluate whether any known locations of threatened or endangered species, INAI sites, or Illinois Nature Preserves are within the area of the project's potential environmental effects such that they would require consultation pursuant to the Illinois Endangered Species Protection Act or the Illinois Natural Areas Preservation Act. ~~If listed species or INAI sites are known to occur within the vicinity of the proposed action, the information will be made available to IDOT. Any recommendations regarding the need for fieldwork will also be conveyed. This information will be submitted directly to IDOT, with future coordination being directly between IDOT and the IDNR Transportation Program Manager.~~

3. For all projects pre-screened against the Natural Heritage Database, BDE will transmit an electronic copy of the results to the IDNR Division of Resource Review and Coordination. The electronic results will include a link to the NRRT that will show the limits of the area examined and the data layers used for the pre-screening. The following will apply to the transmittals from BDE:

- a. If pre-screening identifies no endangered or threatened species, INAI sites, or nature preserves within the area examined, BDE will include with the transmittal of the results a recommendation that further consultation should not be necessary.
- b. If pre-screening identifies one or more threatened or endangered species, INAI sites, or nature preserves within the area examined, BDE will include with the transmittal of the results an Agency Action Report (AAR). BDE also may include an evaluation of the extent to which the project may affect the identified resources and an indication of whether or not field studies and/or further consultation are recommended.

4. If pre-screening identified no endangered or threatened species, INAI sites, or nature preserves within the area examined, IDNR will have 10 calendar days from the receipt of pre-screening results to advise BDE of any differences in pre-screening findings or the associated recommendations based on its review. If IDNR does not respond within the 10-day period, that will signify IDNR agreement with the findings and recommendations provided by BDE.

5. If pre-screening identified one or more threatened or endangered species, INAI sites, or nature preserves within the area examined, IDNR will have 30 days from the receipt of the AAR to provide its response to IDOT indicating whether any field studies are recommended, and whether or not further consultation, and preparation of a Detailed Action Report, is necessary.

IDNR Project Review

IDOT will review proposed projects (using maps, aerial photos, the Natural Heritage database, and field surveys) to determine if they potentially involve any of the resource issues in the following list.

<u>Resource</u>	<u>Further Clarification</u>
Wetlands	
Streams	Includes those streams listed in Appendix II as well as the riparian corridor.
Forest/Trees	The bisecting of a forest or the removal of a significant number of trees (Appendix III)
Prairie/Savanna Areas	

IDNR Properties

Nature Preserves/Natural Area Inventory sites/sites registered under the Register of Land and Water Reserves

T & E Species Includes previously documented occurrences available to IDOT & data from the Natural Heritage Database

If the IDOT determines on the basis of its review that a project does not involve any resource issues of interest to the IDNR, the project is not required to be submitted to IDNR for review.

If surveys were recommended by the IDNR during the pre-screening process, copies of the survey results shall be provided to the IDNR, or if the surveys were not conducted as recommended, the IDOT will provide documentation to support this decision. When any of the resources listed above are determined to occur in the area a proposed project may affect, the IDOT will determine whether the resources are covered by a programmatic agreement reached between IDNR and IDOT for avoidance and mitigation of impacts. If the resources are covered by such an agreement and the project will comply with the agreed terms, no further coordination is necessary.

If the identified resources are not covered by a programmatic agreement, or if the IDOT is unable to comply with the provisions of such an agreement, the IDOT will prepare and submit to the IDNR Transportation Program Manager a Biological Resources Review (BRR). The BRR shall indicate the results of fieldwork conducted and shall describe efforts made to avoid or minimize adverse impacts to the identified resources. If the translocation of a listed species is proposed in the BRR, the IDOT will provide sufficient information to enable the IDNR to evaluate the likelihood of success.

The IDNR Transportation Program Manager will review the BRR and supporting documentation and coordinate with appropriate staff to determine whether further analysis or recommendations are required. After the review and within 90 days of receipt of the BRR, IDNR will submit one of the following two responses to IDOT:

1. IDNR accepts the conclusions/proposals contained in IDOT's BRR and provides a form indicating successful closure of the endangered species/natural areas consultation process and compliance with the Interagency Wetlands Policy Act. If it appears the proposed project may result in the killing or injuring of an Illinois-listed animal species, IDNR may include a recommendation that IDOT should obtain an incidental taking authorization prior to proceeding with project construction. The sign-off is valid for three years, from the date of the ~~Agency Action Report~~ pre-screening results or when resource issue resolution is reached.

2. IDNR does not accept the conclusions/proposals contained in IDOT's BRR and makes recommendations as to how impacts might be avoided or further minimized. Both agencies have 45 days to resolve any differences that may remain upon which time, IDNR

shall provide to IDOT sign-off indicating compliance with both state Acts. If it appears the proposed project may result in the killing or injuring of an Illinois-listed animal species, IDNR may include a recommendation that IDOT should obtain an incidental taking authorization prior to proceeding with project construction. - If resolution is not reached within the 45-day period, either the process ends and is classified as having failed or partially failed to protect the resource involved, a decision is made to elevate the issue(s) within each agency, or upon mutual agreement by both parties the negotiations may continue.

IDOT shall implement the project and mitigation as agreed and will apply for an incidental taking authorization prior to commencing construction that would result in the killing or injuring of an Illinois-listed animal species. Any reports required by the agreement shall be submitted to the IDNR Transportation Program Manager for review and coordination with other staff.

IDOT shall monitor the mitigation project(s) as agreed or required by the wetland compensation plan and submit reports to IDNR as indicated.

IDNR may request from IDOT a list (partial or in its entirety) of their projects not submitted for review from the previous calendar year.

If during the development of a project, new information is obtained or the scope of the project changes to the extent that IDNR would have been involved initially, IDOT shall contact the IDNR Transportation Program Manager to discuss the need for further coordination. Also, if IDNR is concerned with a resource issue not reflected on this list, or if new information becomes available after a project review has been completed, IDNR may request that IDOT submit the project for review.